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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
12

13 JENNIFER PARKER,)
14 a single person,)
15)
16 Plaintiff,)
17)
18 v.)
19)
20 BARCLAYS BANK DELAWARE,)
21 a Delaware chartered bank,)
22)
23 Defendant.)
24 _____)
25

NO.

COMPLAINT FOR VIOLATION
OF 15 USC 1692c(a)(1) AND
RCW 19.86.020 (**amended**)

26 COMES NOW Plaintiff-Jennifer Parker, by and through her attorney, Robert
27 J. Reynolds, and alleges:

28 **PARTIES**

29 1.1 Plaintiff-Jennifer Parker (Parker) is a resident of Kennewick,
30 Washington.

31 1.2 Defendant-Barclays Bank Delaware (Barclays) is a Delaware
32 chartered bank doing business in Kennewick, Washington.

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JURISDICTION

2.1 Through this proceeding, Parker is alleging that Barclays has violated the Fair Debt Collection Practices Act 15 U.S.C. § 1692. 15 U.S.C. § 1692k(d) grants jurisdiction over such cases, "[to] any appropriate United States district court, without regard to the amount in controversy..." 15 U.S.C. § 1692k(d). Thus, this Court has jurisdiction.

2.2 Additionally, a Federal District Court has supplemental jurisdiction "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy." 28 U.S.C. § 1367. The same facts which prove that Barclays violated the Fair Debt Collection Practices Act 15 U.S.C. § 1692, prove that Barclays violated the Washington Consumer Protection Act RCW 19.86.020 which provides additional safeguards to consumers in furtherance of the goals of the Fair Debt Collection Practices Act. Thus this Court has supplemental jurisdiction over Parker's Washington Consumer Protection claim.

BACKGROUND

2.1 Between April 20, 2010 and April 29, 2010, Defendant-Barclays called Plaintiff-Parker 49 times, 14 of which occurred before 7:30 in the morning.

2.2 Due to this harassment, Parker blocked the number from which these excessive phone calls originated.

2.3 On May 15, 2010 the harassing phone calls began again from Barclays but on a different line and she received another 40 between that day and May 21, 2010, 7 of which occurred before 7:30 AM.

CLAIMS

3.1 Barclays has violated 15 USC 1692c(a)(1) and RCW 19.16.250(12) by communicating with Parker outside of the legally allowed timeframe which is between 8 AM and 9 PM for 15 USC 1692c(a)(1) and 7:30 AM and 9PM for RCW 19.16.250(12).

3.2 Barclays has violated 15 USC 1692d(5) and RCW 19.16.250(12) by continually calling her with the intent to harass and annoy. RCW 19.16.250(12)

1 states that calls are meant to harass or annoy if they occur more than three times in
2 a week.

3 3.3 Barclays has additionally violated RCW 19.86.020 through violating
4 RCW 19.16.250 which is a per se violation of RCW 19.86.020. See RCW
5 19.16.440.

6 3.4 Due to Barclays' harassment of Parker, Parker is entitled to a)
7 statutory and actual damages arising from Defendant's violation of the FDCPA and
8 unfair business practices, b) treble damages because the Defendant have acted in
9 bad faith, c) a reasonable attorney's fee under 15 USC 1692k(a)(3) and RCW
10 19.86.090 and d) injunctive relief forbidding Barclays from attempting to collect
11 charges for the account in question in the future.

12
13 **PRAYER FOR RELIEF**

14
15 WHEREFORE, Plaintiff prays:

- 16
17 1. For Judgment against Defendants-Barclays for actual damages.
18 2. For compensation for attorney fees incurred investigating the legality
19 of Barclays' behavior.
20 4. For damages cause by the intentional infliction of emotional distress.

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1 5. For treble damages, pursuant to RCW 19.86.090, calculated off of the
2 damages determined by the court.

3 6. For a reasonable attorney's fee as determined by the court pursuant to
4 15 USC 1692k(a)(3) and RCW 19.86.090.

5 7. For an injunction against Defendant-Barclays forbidding Barclays
6 from further attempts to collect on the account in question.

7 Dated this 11th day of January, 2011.

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9
10 /s/Robert J. Reynolds
11 Robert J. Reynolds WSBA #5796
12 Attorney for Plaintiff